

30 May 2025



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**NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY: Town and Country Planning Act 1990 (as amended)**

**Case Reference**            **PA/2025/0156**

**Site Address**             **Rolvenden Primary School, Hastings Road, Rolvenden, TN17 4LS**

**Proposal**                 **Proposed single storey rear and side extensions and permission to use part of a field as a temporary car park during the construction works**

**DECISION: PLANNING PERMISSION IS GRANTED** in accordance with the application and plans subject to the following conditions:

**Conditions:**

- 1        The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2        The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

<b>Description</b>	<b>Date</b>
Proposed Ground Floor and Roof Plans - 24195-1100 P3	27 January 2025
Proposed Elevations - 24195-1300 P1	27 January 2025
Location and Block Plan - 24195-0000 P2	4 February 2025
Proposed Site Plan - 24195 -1000 P2	4 February 2025
Preliminary Ecological Appraisal	25 April 2025

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied and the roof tiles, windows and external doors to be used shall match the existing building.

Reason: In the interests of the visual amenity of the locality / To safeguard the character and appearance of the conservation area.

- 4 No external lighting, whether temporary or permanent, shall be installed on the site unless details are submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and demonstrate that no impacts to bat foraging/commuting activity will result. Such details shall include layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as an ISO lux plan showing light spill. The subsequently approved details shall be retained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c).

- 5 No development shall take place (including any site and/or vegetation clearance) until a construction environmental management plan (CEMP) which contains full details of the measures outlined in section 4 of the Preliminary Ecological Appraisal (Denny Ecology, April 2025) associated with the planning application has been submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the following:

- Details of the Ecological Clerk of Works (ECoW) and their responsibilities;
- Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- Measures to avoid impacts to roosting bats during demolition/dismantling works;
- Measures to avoid impacts to nesting birds;
- Measures to avoid indirect impacts to nocturnal wildlife with adherence to a sensitive lighting scheme; and
- Measures to avoid impacts to individual hedgehogs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To avoid an offence under the Wildlife and Countryside Act 1981 and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

- 6 Within twelve months of first use of the development hereby approved, photographic evidence of the implementation of the biodiversity enhancement measures as detailed in section 5 of the Preliminary Ecological Appraisal (Denny Ecology, April 2025, specifically Table 5.1) shall be submitted to the local planning authority for approval. The approved details shall be thereafter retained.

Reason: In accordance with paragraph 187 of the NPPF 2024.

- 7 Prior to first occupation, or within three months of the completion of the development (whichever occurs first), the habitat creation and enhancement works must be fully completed in accordance with the approved Biodiversity Gain Plan; and written documentary evidence, in the form of a BNG Completion Notice, must be submitted to

and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved habitat creation and enhancement works are delivered in accordance with the approved Biodiversity Gain Plan, and that the biodiversity gain objective of 10% has been achieved.

- 8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the development works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded

- 9 Within 6 months of the development hereby permitted being completed, the temporary carpark hereby approved and the three existing outbuildings to be removed (as shown on drawing number 24195-0000 rev.P2), shall be removed and the land restored to its former condition.

Reason: In the interest of visual amenity and the need for adequate off-street car parking to be provided.

#### **Informatives:**

- In accordance with paragraph 39 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions.

ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision

In this instance, the applicant/agent was updated of any issues, the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.

#### **Biodiversity Net Gain**

- The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be Ashford Borough Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply and these are set out in The Biodiversity Gain Requirements Exemptions Regulations 2024.

**This permission will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.**

For a template and guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the approved development please follow the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Applicants will need to ensure that the Biodiversity Gain Plan to be submitted to the local planning authority for approvals is prepared in general conformity with the approved habitat plans.

### **The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- The applicant is reminded of the need for the development to satisfy the requirements of the Building Regulations and in respect of climate change in particular the following documents:
  - Approved Document L (Conservation of fuel and power)
  - Approved Document F (Ventilation)
  - Approved Document O (overheating)
  - Approved Document S (Infrastructure for electric charging vehicles)

**Signed**



Simon Cole  
Assistant Director - Planning and Development

## Important Notes

### 1 **Limitation of Permission**

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

**Advice is available from the Building Control Section** - 01233 330282 Email [building.control@ashford.gov.uk](mailto:building.control@ashford.gov.uk)

Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;

- a. adequate means of access for the Fire Brigade to the building or buildings as extended and;
- b. that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

**The Fire Prevention Officer** can be contacted at Ashford Fire Station Henwood, Ashford, Kent TN24 8YF

This grant of planning permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission. Your attention is also drawn to the Party Walls Act

### 2 **Appeals to the Secretary of State**

If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Details of how to appeal can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

### 3 **Beneficial Use**

If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

### 4 **Discharging of Conditions**

Some conditions attached to the grant of permission may require you to submit details and/or information before you start work. The necessary forms can be found on the Council's website. Please note that we aim to deal with these requests within 8 weeks.

There is a fee for 'Approval of details reserved by a condition'. These fees are set by Government and the current level can be found at <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>